



NEWS

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(415) 865-7740
Lynn Holton, Public Information Officer

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF DECEMBER 17, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-164 Balser v. Wells Fargo Bank, N.A., S101833. (B144933; unpublished opinion.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case concerns whether the privilege for reporting suspected criminal activity to a police officer (Civ. Code. § 47(b)) is absolute or applies only to statements made in good faith.

#01-165 Little v. Auto Stiegler, Inc., S101435. (B147003; 92 Cal.App.4th 329.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration. This case concerns (1) whether the minimum procedural requirements for arbitration of claims of employment discrimination under the Fair Employment & Housing Act (Gov. Code, § 12900 et seq.) established in Armendariz v. Foundation Health Psychcare Services, Inc. (2000) 24 Cal.4th 83 apply to the arbitration of a claim for wrongful termination in violation of public policy, and (2) whether a mandatory employment arbitration agreement, which required review by a second arbitrator of any award in excess of \$50,000 and required the employee to pay a pro rata share of arbitration costs, was unconscionable.

(over)

#01-166 Viner v. Sweet, S101964. (B138149; 92 Cal.App.4th 730.) Petition for review after the Court of Appeal modified and affirmed the judgment in a civil action. This case presents issues concerning the proper analysis of causation in an action for legal malpractice in a transaction rather than in litigation, including (1) whether the “case within a case” approach is applicable, and (2) whether the plaintiff must establish it would have obtained a more favorable result but for the defendant’s alleged negligence.

#01-167 In re Kyle F., S101591. (F038536; unpublished opinion.) Petition for review after the Court of Appeal denied an application for appointment of counsel. The court ordered briefing deferred pending decision in In re Jaquan W., S100745 (#01-141), which concerns whether an indigent parent is entitled to appointment of counsel on appeal from a judgment terminating parental rights if the minor child is not a dependent child of the juvenile court. (See Fam. Code, § 7895.)

#01-168 In re Nicholas H., S102043. (A094095; unpublished opinion.) Petition for review after the Court of Appeal reversed an order in a dependency proceeding. The court ordered briefing deferred pending decision in In re Nicholas H., S100490 (#01-150), which concerns whether the term “natural father” in Family Code section 7611 means “biological father” and whether an individual’s status as a “presumed father” under that section is necessarily rebutted under Family Code section 7612 by the presumed father’s admission he is not the child’s biological father.

#01-169 People v. Patterson, S101726. (B143582; 92 Cal.App.4th 561.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. McKay, S091421 (#00-145), which concerns the validity of a full custodial arrest for an offense that is subject to punishment only by a fine.

DISPOSITION

#01-03 Minster v. Contadina Foods, Inc., S093526, was dismissed and remanded to the Court of Appeal.

STATUS

#99-60 Haas v. County of San Bernardino, S076868. The court ordered the parties to file supplemental briefs addressing the relevance of decisions holding unconstitutional under the due process clause laws permitting parties to select the judge

before whom a case is filed and paying judges according to the number of cases heard, especially Brown v. Vance (5th Cir. 1981) 637 F.2d 272. (See also Doss v. Long (N.D.Ga. 1985) 629 F.Supp. 127; State ex rel. McLeod v. Crowe (S.C. 1978) 249 S.E.2d 772; State ex rel. Shrewsbury v. Poteet (W.Va. 1974) 202 S.E.2d 628; and State ex rel. Reece v. Gies (W.Va. 1973) 198 S.E.2d 211.)

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